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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 EMMA DUNN and ALANA DUNN,
10 Plaintiff,
11 v.
12 MARCLITE ELECTRICAL
13 CORPORATION FLORIDA, et al.,
14 Defendants.

Case No. 1:25-cv-00565 JLT BAM

ORDER REGARDING PLAINTIFF ALANA
DUNN'S NOTICE OF DISMISSAL
WITHOUT PREJUDICE AND DENYING
REQUEST FOR REFUND

(Doc. 29)

15 Emma Dunn and Alana Dunn, proceeding *pro se*, initiated this civil action against
16 defendants on May 12, 2025. On November 7, 2025, the Court granted Plaintiffs leave to amend
17 and directed Plaintiffs to file their second amended complaint within thirty days. (Doc. 15.) The
18 order sent to Emma Dunn was returned as "Undeliverable, Return to Sender, Attempted – Not
19 Know, Unable to Forward" on November 24, 2025.¹ (*See* Docket.)

20 On November 24, 2025, Plaintiff Alana Dunn filed a document titled "Dismissal without
21 Prejudice." (Doc. 16.) Plaintiff states that she does not "have time to put a fight in court" and she
22 therefore asks for a refund of her filing fee. (*Id.*)

23 The Court construes Plaintiff Alana Dunn's filing as a notice of voluntary dismissal
24 without prejudice under Federal Rule of Civil Procedure 41(a), which permits a plaintiff to

25 ¹ Plaintiff Emma Dunn is required to keep the Court apprised as to her current address. Local Rule 183 provides:

26 A party appearing *in propria persona* shall keep the Court and opposing parties advised as to his
27 or her current address. If mail directed to a plaintiff *in propria persona* by the Clerk is returned by
28 the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within
thirty (30) days thereafter of a current address, the Court may dismiss the action without prejudice
for failure to prosecute.

1 dismiss an action without a court order by filing “a notice of dismissal before the opposing party
2 serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Plaintiff
3 Alana Dunn has stated her intent to dismiss this case without prejudice and no defendant has filed
4 an answer or motion for summary judgment. However, Emma Dunn also is pursuing claims in
5 this action. As a result, the notice of voluntary dismissal is only proper and effective as to Alana
6 Dunn’s action against defendants.

7 To the extent Alana Dunn requests a refund of the filing fee for this action, her request
8 will be denied. The Court is unable to return the filing fee. “[V]oluntary dismissal of an action . . .
9 does not entitle the litigant to a refund of filing fees.” *See Silva v. Jackson*, No. 1:25-cv-00458-
10 KES-EPG, 2025 WL 2432840, *1 (E.D. Cal. Aug. 22, 2025) (quoting *Grindling v. Martone*, No.
11 12-00361 LEK/BMK, 2012 WL 4502954, at *2 (D. Haw. Sept. 28, 2012)); *Hardy v. Stokes*, No.
12 2:24-cv-1798 DJC AC P, 2025 WL 2258554, at *1 (E.D. Cal. Aug. 7, 2025) (noting “courts have
13 generally denied requests for refunds after the commencement of a case, even when the case has
14 been voluntarily dismissed by plaintiff”); *Lopez v. Doe*, No. 5:23-cv-01924-FWS-AJR, 2024 WL
15 5422706, at *1 (C.D. Cal. Feb. 29, 2024) (collecting cases and noting multiple courts have found
16 there is no statutory basis or precedent for returning a filing fee to a *pro se* plaintiff). Thus, the
17 Court **ORDERS**:

- 18 1. Alana Dunn’s action against defendants is terminated by operation of law without
19 further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i).
- 20 2. Alana Dunn’s request for a refund of the filing fee is **DENIED**.
- 21 3. The Clerk of the Court is directed to terminate **only** Alana Dunn on the docket and the
22 matter remains open.

23 IT IS SO ORDERED.

24 Dated: **December 2, 2025**

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26 UNITED STATES DISTRICT JUDGE
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